

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|--------------------------------|---|---------------------|
| SHANE K. HOPKINS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 05-870-SLR |
| |) | |
| JOHN PUSEY, JOSEPH SMITH, |) | Jury Trial Demanded |
| DAVID PIERCE, LISE MERSON, |) | |
| JUDITH MULLEN, DREWRY FENNELL, |) | |
| M. JANE BRADY |) | |
| |) | |
| Defendants. |) | |

**DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME FOR FILING
DISPOSITIVE MOTIONS**

COME NOW, defendants Pusey and Smith ("Defendants") by and through undersigned counsel and hereby move this Honorable Court to extend the deadline for filing of dispositive motions. In support of their position, Defendants state the following:

1. The scheduling order in the matter has dispositive motions due by June 14, 2007. (D.I. 75).
2. There are several outstanding motions filed by Plaintiff and responded to by Defendants that have yet to be decided by the Court. They include a Motion for Deposition of Pusey and Smith¹ (D.I. 76, 79), a Motion for the Court to Issue Subpoenas (D.I. 80, 82, 83), a Motion to Amend to add defendants (D.I. 85, 90), and a Motion to Issue Subpoenas directed to the Federal Bureau of Investigations Officer, Brenda Wise. (D.I. 86).
3. The Court's decision on one or more of these motions has the potential to alter the course of the litigation and possibly necessitate further discovery in the matter.

¹ Although it appears that Plaintiff may have withdrawn this motion in his Motion for the Court to issue Subpoenas. (D.I. 80).

Thus, the filing of dispositive motions by June 14, 2007 may be premature.

4. Considering Plaintiff's pending motions and the current unknown status of the case and in the interest of judicial economy, Defendants respectfully request that the Court extend the deadline for filing of dispositive motions

WHEREFORE, for the reasons stated herein, Defendants respectfully request that the Court grant their Motion for Enlargement of Time and enter an order in the form attached hereto, with the appropriate dates provided at the Court's discretion.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Stacey Xarhoulakos
Stacey Xarhoulakos, 4667
Deputy Attorney General
820 North French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
stacey.xarhoulakos@state.de.us
Attorney for Defendants

Dated: June 11, 2007

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

SHANE K. HOPKINS,

Plaintiff,

v.

JOHN PUSEY, JOSEPH SMITH,

DAVID PIERCE, LISE MERSON,

JUDITH MULLEN, DREWRY FENNELL,

M. JANE BRADY

Defendants.

C.A. No. 05-870-SLR

ORDER

This _____ day of _____, 2007,

WHEREAS, Defendants having requested an enlargement of time for filing
dispositive motions; and

WHEREAS, there being good cause shown for the granting of such motion;

IT IS HEREBY ORDERED, that Defendants' Motion for Enlargement of Time
be granted and Dispositive Motions shall be filed on or before _____.

The Honorable Sue L. Robinson
United States District Court Judge

**IN THE UNITED STATES DISTRICT COURT
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| Plaintiff, |) | |
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| v. |) | C.A. No. 05-870-SLR |
| |) | |
| JOHN PUSEY, JOSEPH SMITH, |) | |
| DAVID PIERCE, LISE MERSON, |) | |
| JUDITH MULLEN, DREWRY FENNELL, |) | |
| M. JANE BRADY |) | |
| |) | |
| Defendants. |) | |

16.5 CERTIFICATE OF COUNSEL

In compliance with Local Rule of Civil Procedure 16.5, counsel for the Defendants making the request for enlargement of time to file dispositive motion files this Certificate and states:

I certify that the Defendants have been provided with copies of the Motion for Enlargement of Time and that service has been sent by regular mail.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Stacey Xarhoulakos
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Deputy Attorney General
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| M. JANE BRADY |) | |
| |) | |
| Defendants. |) | |

7.1.1 CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. Plaintiff is an inmate incarcerated in the Delaware Correctional system, at the Delaware Correctional Center in Smyrna, Delaware.

2. It is not practical for undersigned counsel to communicate with him concerning Defendants' Motion for Enlargement of Time for Filing Dispositive Motions.

1. Undersigned Counsel assumes that the Motion is opposed.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Stacey Xarhoulakos
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Deputy Attorney General
820 North French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
stacey.xarhoulakos@state.de.us
Attorney for Defendants

Dated: June 11, 2007

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2007, I electronically filed *Defendants' Motion for Enlargement of Time for Filing Dispositive Motions* with the Clerk of Court using CM/ECF. I hereby certify that on June 11, 2007, I have mailed by United States Postal Service, the document to the following non-registered participants:

Shane Hopkins
SBI # 253918
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/ Stacey Xarhoulakos
Deputy Attorney General
Department of Justice
820 N. French St., 6th Floor
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